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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/627,689 | 07/28/2003 | Atsushi Watanabe | 392.1805 | 3216 |
| 21171 | 7590 | 04/21/2005 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | VON BUHR, MARIA N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2125 | |
| DATE MAILED: 04/21/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/627,689 | WATANABE ET AL. | |
| | Examiner | Art Unit | |
| | Maria N. Von Buhr | 2125 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 Sept 2004, 20 Oct 2004 & 15 Mar 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 Sept 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10202004&03152005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Examiner acknowledges receipt of Applicant's response to the previous Office action, received 27 September 2004; which amends the abstract, drawings and claims 1 and 5, introduces claim 7, and asserts to amend the specification. Claims 1-7 are now pending in this application.
2. Examiner acknowledges receipt of Applicant's information disclosure statements, received 20 October 2004 and 15 March 2005, with accompanying reference copies, which have been taken into consideration for this Office action.
3. Examiner acknowledges receipt of Applicant's proposed drawing correction and corrected replacement sheets for Figs. 1, 2 and 5. The drawings were received on 27 September 2004. These drawings are acceptable.
4. In response to Applicant's amendments, the objections to the drawings and abstract are deemed to have been overcome and are, therefore, withdrawn.
5. Examiner notes that, although Applicant asserts the submission of a substitute specification (marked up and clean versions), in the amendment received 27 September 2004, the substitute specification (both the marked up and the clean copy) is missing from this application. Applicant is requested to re-submit the substitute specification in response to this Office action.
6. Accordingly, the objection to the specification, as presented in the previous Office action, is maintained, until such time as the substitute specification is received. Examiner repeats the objection here, for Applicant's convenience.
7. The disclosure is objected to because there are numerous misspellings and grammatical inconsistencies throughout the description (for example: "workpiece" (page 1, first line of paragraph 3) should be plural; -- the -- should be inserted after "where" (page 1, second line of paragraph 3); -- a -- should be inserted after "at" (page 1, fourth line of paragraph 3); -- to -- should be inserted after "refer" (page 2, fourth line of third full paragraph); the spelling of "handing" (page 3, third line of first full paragraph) needs to be corrected). Applicant is advised to carefully review the entire specification for any further such informalities. Appropriate correction is required in response to this Office action.
8. In response to Applicant's amendments, the 35 U.S.C. §112, second paragraph, rejection of the claims is deemed to have been overcome and is, therefore, withdrawn.

9. Claim 1 is objected to, because “handing” (line 4) should be corrected to -- handling --.

10. In response to Applicant’s amendments and remarks, concerning the 35 U.S.C. §102(b) rejection of the claims, as being clearly anticipated by Bourne et al. (U.S. Patent No. 5,969,973), Examiner notes the following:

a. As presented in the previous Office action, Bourne et al. discloses an “intelligent system for generating and executing a sheet metal bending plan,” comprising a machine tool, handling robot and visual sensor controlled by a user operated control processor, which displays, edits and downloads programming and data to each of the elements of the system (see at least, Figures 5A, 32 and 47A, with accompanying text; col. 2, line 65 - col. 5, line 12; col. 5, lines 44-56; col. 6, lines 55-66).

b. Applicant argues, at page 7 of the instant response, that “Bourne et al. does not disclose the claimed operator confirming/editing according to displayed information. Instead, FIG. 5A of the reference illustrates a planning and control system 70 including a CAD system 74 and a plurality of experts 80, 82 and 84. The CAD system 74 may be implemented within a UNIX-compatible environment on a workstation computer. Bourne et al., column 15, lines 32-33. However, there is no disclosure of the details of any display on the computer.” Examiner disagrees with this assertion. Bourne et al. specifically provide for a user interface which can “create a visual representation of setup operations to be performed on the bending apparatus so that a human operator can thereby perform the setup operations” (col. 11, lines 38-41). Bourne et al. further teach that “as a three-dimensional part is designed, in a preferred embodiment, the CAD system maintains in memory, and visually, a three-dimensional representation of the part. The designer may modify the design by adding or removing details to or from either representation … Bend sequence planner 72 operates … to produce a plan for complete part production by a bending workstation of the part designed with the use of CAD system 74” (col. 15, line 60 - col. 16, line 8). Bourne et al. also provide for a user interface, utilizing various commands to allow the user to display data and edit/set various data used to control the operation of the system (see at least, col. 55, line 50 - col. 56, line 52; col. 57, lines 39-42).

c. Applicant further argues, at page 8 of the instant response, that “even assuming, arguendo, that some information is displayed, there is no disclosure that this information includes an operation program, or that the operator edits or confirms the displayed operation program.” Examiner disagrees with this assertion on two counts. Primarily, the instant claim language does not support Applicant’s assertion. Because of the use of the “and/or” language, there is no requirement for Examiner to interpret the claims as necessitating the display and editing of the operation program specifically. The instant claims “read-on” the teaching of Bourne et al., which provides for the display and editing of “information associated with the operation program” (in this case, the CAD data of Bourne et al., used as the source for the operation program

being generated, as taught). Secondarily, Bourne et al. does teach an ability to display and edit an operation program. See at least, col. 22, lines 4-40.

d. Therefore, Applicant's arguments are deemed not to be persuasive, and claims 1-6 stand rejected under 35 U.S.C. §102(b), as being clearly anticipated by Bourne et al. (U.S. Patent No. 5,969,973).

11. Claim 7 is rejected under 35 U.S.C. §102(b), as being clearly anticipated by Bourne et al. (U.S. Patent No. 5,969,973; previously cited), similarly as presented above, with regard to claims 1-6.

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR §1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR §1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria N. Von Buhr whose telephone number is 571-272-3755. The examiner can normally be reached on M-F (9am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Maria N. Von Buhr
Primary Patent Examiner
Art Unit 2125